

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA	)	
	)	Case No. 4:15-cr-18
v.	)	
	)	Judge Travis R. McDonough
JOSEPH MARTIN	)	
	)	Magistrate Judge Susan K. Lee
	)	

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**ORDER**

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Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the five-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (3) adjudicate the Defendant guilty of lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order Defendant released on bond under appropriate conditions of release until sentencing in this matter. (Doc. 213.)

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 213) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D) of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** on bond under appropriate conditions of release in this matter, which is scheduled to take place on **February 10, 2017 at 9:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

*/s/Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**